

MEETING #27– August 8

At a Regular Meeting of the Madison County Board of Supervisors on August 8, 2017 at 4:30 p.m. in the Madison County Administrative Center Auditorium located at 414 N. Main Street:

PRESENT: R. Clay Jackson, Chairman
Jonathon Weakley, Vice-Chairman
Robert Campbell, Member
Kevin McGhee, Member
Charlotte Hoffman, Member
Daniel J. Campbell, County Administrator
V. R. Shackelford, County Attorney
Mary Jane Costello, Asst. County Administrator/Finance Director
Jacqueline S. Frye, Deputy Clerk

Call to Order

Pledge of Allegiance & Moment of Silence

1. Determine Presence of a Quorum/Adopt Agenda

Chairman Jackson advised that all members are present; a quorum was established. All members are present.

Chairman Jackson advised of the following additions to today's Agenda:

8. New Business

Item 8b: L S Industries/Bond Estimate

Item 8c: Shackelford – Discussion of Code Changes

Item 8d: Weekend Auction Business Restrictions (Brightwood, VA)

12. Closed Session: Add language, "*and retirement benefits for departing County Administrator*"

Supervisor Weakley moved that the Board approve the Agenda as amended, seconded by Supervisor Hoffman. *Ayes: Jackson, Weakley, Campbell, McGhee, Hoffman. Nays: (0).*

2. Public Comment:

Chairman Jackson opened the floor for public comment.

The following citizen(s) provided comments:

- ✓ Tony Allen: *Comments pertaining to individuals repeatedly speeding on Route 673 (Cedar Hill Road) and Route 630 (Clare Road) [i.e. current speed limits of 45 mph and 40 mph]; speed studies (done by VDOT) from 1994 and a current analysis was provided to the County Administrator for review; requested that VDOT initiate a new speed study in order to remedy the constant speeding problem on the aforementioned roadways; residents have almost been hit while trying to clear the state easement along Cedar Hill Road (just behind the Madison Post Office)*

- *Chairman Jackson: Advised that the Board can request VDOT to perform a speed study of the areas in question; the Board will also ask the Sheriff if law enforcement can do some patrolling in the vicinity*

The County Administrator advised that today's documentation shows that VDOT updated the speed sample in April 2017.

- ✓ *J. D. Sharp: Advised of repeated incidents of speeding by motorists on the roadways; vehicles have been clocked traveling 67 mph along the roadway; motorists are aware of what they're doing and seem to taunt the citizens that live along the roadway; local law enforcement have been on site to talk with individuals, which hasn't remedied the issue.*
- *Supervisor Weakley: Noted that information can be passed along to the Sheriff; County can also request that VDOT trim the easement along Cedar Hill Road (from Wells Fargo Bank to the embankment on Cedar Hill Road and Clore Road)*
- ✓ *Cheryl Dawson: Noted that she contacted the Sheriff about the speeding issues; law enforcement was sent out, but hasn't been out in a long time; the Charlottesville Residency Office was also contracted and noted that a study would be initiated and forwarded onto the Town regarding lowering the speed limit on Clore Road; noted that the perpetrators are well aware of what they're doing*
- *Chairman Jackson: advised that there is only so much the County can do; citizens were also advised that VDOT may or may not elect to lower the speed limit. It's also feel that speeding citations from local law enforcement may have an impact.*
- ✓ *Kim Pumphrey: Advised that there is also a speeding issue on River Road (that connects to Clore Road); there is also a large consistency of folks coming in to kayak in the area along the river*
- *Supervisor Campbell: Accolades to Madison County emergency services personal during a recent (personal) medical episode that called for him to be hospitalized*

With no further comments being brought forth, Chairman Jackson closed the public comment opportunity.

3. Constitutional Officers

a. Circuit Court Clerk: Leeta Louk, of the Circuit Court was present to provide input on a visitor that would like to see the portrait of Judge Francis McMullan fully restored, and has offered to cover all associated costs for this request. It was further reported that although the existing Judge is in charge of the contents inside the courtroom, the Judge may consider turning over the restored portrait to the Madison County Historical Society to be on display in the Kemper Museum. It was also noted that:

- ✓ Judge McMullan was a law partner (with Governor Kemper)
- ✓ He was appointed to the bench by Governor Kemper
- ✓ He had previously resided in the Kemper Mansion (years before Governor Kemper)
- ✓ Judge Bouton has advised favor of the restoration proposal

And:

- ✓ Would like to attain input from the Madison County Board of Supervisors on this matter
- *Chairman Jackson: advised that today's proposal has been discussed with Max Lacy (Madison County Historical Society; verbalized favor of today's proposal on behalf of the historical society – the restoration process will not involve any funding from the County*

Supervisor Campbell moved that the Board support the idea of restoring the portrait of Judge Francis McMullan as presented, seconded by Supervisor McGhee. *Ayes: Jackson, Weakley, Campbell, McGhee, Hoffman. Nays: (0).*

The County Administrator expressed appreciation to the Judge for including the Board in today's proposal.

4. County Departments –

Madison County School Board:

Bob Chappell (MCSB): Advised that the school board voted to hire the Virginia School Board Association to assist in the search for a new school Superintendent to start July 1, 2018; an online survey will be released on the school's website to attain input for qualifications; a public hearing will be scheduled for November 13, 2017; Barry Penn Hollar, SB Chair, expressed the desire to include potential SB candidates seeking election (November 2017); applications for the position will be receive from 1'2'18 through 1'18'18.

Comments from the Board:

- *Supervisor Campbell: Verbalized concerns regarding the lack of a scheduled CIP meeting following the disapproval of the Ameresco, Inc., proposal almost three (3) months ago; suggested that future meetings include school maintenance personnel and the County's Facilities Director*

Doreen Jenkins (MCSB): Advised that the Superintendent has met with the County Administrator to assess scheduling future CIP meetings; noted that this issue will be discussed by the school board at next week's session; the school board is in the process of assessing how best to with the County to get additional construction items accomplished.

Chamber of Commerce (TOTM Waiver for Trash Removal)

Tracey Williams Gardner, Economic Development & Tourism Director, was present to present a request for a waiver for trash to be taken to the landfill after the Taste of the Mountains festival scheduled for September 2, 2017.

Supervisor Weakley moved that the Board approve the waiver for trash removal by the Boy Scouts at the 2017 Taste of the Mountains Festival, seconded by Supervisor Hoffman. *Ayes: Jackson, Weakley, Campbell, McGhee, Hoffman. Nays: (0).*

It was further advised that festival booth rental for Chamber members is \$85.00 and \$115.00 for non-Chamber members. The Orange County festival will be held on a different Saturday this year.

Additional highlights from her monthly report focused on:

- ✚ Revolving Loan Committee sent email - the loan does need to be loaned out twice and repaid before the Town can request using these funds for other purposes
- ✚ Parade had almost 100 entries (despite incredible heat)
- ✚ Attended more GO Virginia sessions & VEDP Strategic Planning session
- ✚ Ribbon cuttings on July 15th (more to follow)
- ✚ Posey Detail Ribbon Cutting scheduled for Sunday, August 13th (grand opening the week of August 15th)
- ✚ Cake Krums & Southern Vintage opening in Mad Hollow building in Town Blue Ridge Barrels (part of Four Calling Birds) is making items
- ✚ Economic Development Summit scheduled for Tuesday, July 18th
- ✚ Attended Broadband Meeting
- ✚ Working on 25th annual Taste of the Mountains
- ✚ Tasting Tent will include wineries and Bald Top Brewery
- ✚ Conference call with Regional Economic Development with an adventure out of Canada
- ✚ Customer Service Workshop info for October 3rd
- ✚ Walk in Traffic has increased (Tourism Information Center Signage)
- ✚ Over 8,000 views to our website with 85% of those being new visitors
- ✚ Making updates to the brochure

5. Committee/Organization

6. Finance

a. Claims for August 2017:

FY2017 (Post Year):	\$ 38,814.39
FY2018:	\$ 62,138.96
Total	\$100,953.35

Specifics:

\$8,075 (ANS – network job)

\$8,900 (REC bills)

\$10,000 (annual payment to economic development partnership)

Supervisor Weakley moved the Board approve claims for August totaling \$100,953.35, to be specified as FY2017 total of \$38,814.39 and for FY2018 of \$62,138.96 for FY2018, seconded by Supervisor Hoffman. *Ayes: Jackson, Weakley, Campbell, McGhee, Hoffman. Nays: (0).*

7. Minutes:

a. #25

Chairman Jackson called for corrections and/or approval of Minutes #25.

Supervisor McGhee moved that the Board approve Minutes #25 as submitted, seconded by Supervisor Campbell. *Ayes: Jackson, Weakley, Campbell, McGhee, Hoffman. Nays: (0).*

8. Old Business:

a. *Update on Easement for SNP Displaced Households Memorial*

b. *Update on Criglersville Cottage Lease w/Madison Historical Society*

The County Administrator advised that Item 8a (Update on Easement for SNP Displaced Households Memorial) is actually for the Blue Ridge Heritage Monument; Item 8b (Criglersville Cottage) will be utilized by the Madison County Historical Society in the near future. Both topics are scheduled for discussion at a public hearing set for September 12, 2017 beginning at 5:00 p.m.

The County Attorney advised that the highway marker for the Old Blue Ridge turnpike will also be added to the public hearing process, and will allow public access through the County property for both the aforementioned items. The lease will follow the same general terms as noted in the Kemper Mansion lease (between the Madison County Board of Supervisors & the Madison County Historical Society). The County Administrator has suggested the term of the lease be for five (5) years with the option of either party to terminate the lease with six (6) months' notice.

After discussion, it was the consensus of the Board to accept the suggested language pertaining to termination of the proposed lease.

The County Attorney advised that the public hearing will also discuss the possible revocation of Ordinance #2010-1 -

c. RRCBSB FY2018 Program Plan & Performance Contract [Resolution #2017-7]: Chairman Jackson advised that the program plan for the RRCBSB presented by Brian Duncan has been discussed (with the County Administrator). A change has been initiated to the last portion of wording that stated:

"and has no additional comments regarding the Contract or Plan:

To:

"and has additional comments regarding the Contract or Plan." (denoted in bold case)

Comments from the Board focused on:

- **The need to symbolize (to the executives of the RRCBSB) that the County does have concerns about the proposed content of the resolution**
- **Whether there was any documentation of the County's concerns (during the prior meeting session)**

The County Administrator advised that documentation was noted in the minutes from the meeting.

Supervisor McGhee moved that the Board approve Resolution #2017-7 [To Receive RRCS FY2018 Performance Contract with the Department of Behavioral Health & Developmental Services & the Area Plan for Aging Services], as revised, seconded by Supervisor Weakley.

Comments:

- **Chairman Jackson: Noted this is a matter the County will need to continue working on (i.e. Commonwealth Attorney, Sheriff, school system, etc.)**

Ayes: Jackson, Weakley, Campbell, McGhee, Hoffman. Nays: (0).

d. Update on Revocation of Law Enforcement Ordinance in Malvern [ID#2010-1]: The County Attorney advised that the public hearing will also include discussion of the possible revocation of the law enforcement in Malvern Subdivision.

e. VACo Legislative Meeting – August 10, 2017: Supervisor Weakley advised that he will be unable to attend the upcoming session scheduled for August 10th at 6:00 p.m. in Berryville, VA.

After discussion, Supervisor McGhee offered to review his schedule to assess whether he would be able to attend as the Board's representative.

f. Line of Credit Refinancing-Closing: The County Administrator advised that the refunding of the County's line of credit with VML/VACo closed on July 28, 2017, as targeted; the County is now locked in at 2.39% as opposed to the previously variable rate that was in place. Accolades were given to the County Attorney and County staff that were involved in getting the appropriate documentation in order for submission to bond counsel and VML/VACo personnel. Emphasis was noted on the:

- Debt service payment schedule (20 payments)
- Principle escalates and interest decreased over the term of repayment
- The County can elect to repay (with certain penalties) throughout the term of the loan (although not suggested) due to the low interest rate in place
- County has contracted (with VML/VACo Finance) for municipal advising services (small built in cost)
- Financial services will be available to the County for the next year or so
- Upon review of other County long-term debt, it was felt not to be advantageous to include these debts at this time
- Future items (i.e. school system items) could be assessed in the future

9. New Business

a. ABC Building Lease Termination: Chairman Jackson advised that all members received the email regarding the termination of the Old ABC Building lease (between the Blue Ridge Narcotics Task Force and Madison County Board of Supervisors); the task force will be relocating to a 'rent-free' location in Culpeper County; suggested the County assess a future use for the building.

The County Administrator advised that the BRNTF met the conditions of the lease, and notification of termination has been satisfied (September 30, 2017); the financial loss (to the County) will be \$1,400.00 per month (i.e. \$16,800.00 annually), which has been noted in the County's budget and will not be realized at this point.

Comments:

- *Supervisor Campbell: Noted that the County was providing utilities; also noted that fencing was erected at the site, but is no longer necessary (since the relocation of MESA)*
- *Chairman Jackson: Feels the loss (to the County) will result in the BRNTF no longer being located in the County*

The Tourism Director was present and advised that the former MESA building has already been leased for a one-year period (i.e. paid in full).

The County Administrator advised that the BRNTF only utilized 838 sq. ft. of the Old ABC Building.

b. L S Industries/Bond Estimate: Chairman Jackson noted that the bond estimate for L S Industries, Inc. has been requested as \$4,218.75.

Supervisor Campbell moved that the Board accept the bond estimate of \$4,218.75 (for L S Industries, Inc.), seconded by Supervisor Hoffman.
Ayes: Jackson, Weakley, Campbell, McGhee, Hoffman. Nays: (0).

Comments:

- *Supervisor Campbell: Verbalized concerns regarding the location (of L S Industries, Inc.) having two (2) entrances to the property; questioned whether this issue will cause future concerns for any future businesses that plan to utilize existing business space in the County*
- *Chairman Jackson: Advised of being confident that L S Industries, Inc. will work with VDOT to comply with all necessary requirements*

The County Administrator advised that (to the best of his knowledge) VDOT revamped the access requirements to the code in 2011-2012; several older buildings are acceptable unless something transpires concerning a modification in future use or construction at a site that will call for the potential business owner to comply with VDOT's new access requirements (which he feels is what's being imposed upon L S Industries, Inc.).

c. Shackelford – Discussion of Code Changes: The County Attorney advised of the following list of proposed code changes (as provided by Betty Grayson, Zoning Administrator, and Carty Yowell, Chairman of the Madison County Planning Commission):

- ❖ Solar power
- ❖ Firearm & archery ranges
- ❖ Amendments to the sign ordinance
- ❖ Primitive campgrounds
- ❖ Definition of 'what is a family division'
- ❖ Updating of the wording in the general provision (from Wes Smith & Betty Grayson) to conform ordinance with the current codes

Of the Board is in agreement, he suggested that a joint public hearing be held (between the Madison County Board of Supervisor and the Madison County Planning Commission at the Joint Meeting session scheduled for October 4, 2017, after all normal cases have been heard
Comments from the Board:

- *Supervisor Campbell: Questioned if M1 and M2 zones will be included for discussion; clarified that the Commission can only make a recommendation (to the Board of Supervisors); suggested the Commission develop a panel to assess today's concerns; suggested the County look into hiring a professional planner to assess zoning matters, CIP projects, ordinances, etc. – feels these items aren't a part of the Board, Zoning Administrator or Commissioner's responsibilities*
- *Supervisor Weakley: Advised that based on his observations (from the last meeting) he suggested that there be no disrespect intended upon the 'messenger providing input of the codes, ordinances or guidelines' during the upcoming public hearing session on today's concerns*

The County Attorney advised that the aforementioned zones are still being addressed; the issue of health department and VDOT requirements is still being discussed; noted that the Commission is approaching the deadline for completion of the County's comprehensive plan.

- *Chairman Jackson: Noted that any discussion regarding the hiring of a County Planning should be done during the annual budgetary process*

After discussion, it was the consensus of the Board to move forward with a joint public hearing on the proposed list of items at the Joint Meeting session scheduled for October 4, 2017.

d. Weekend Auction Business Restriction (Brightwood, VA): The County Administrator referred to Section 20-203A 'Use – seasonal or brief of the County's Zoning Ordinance which reads as follows:

"A use or activity that occurs for a brief time or that occurs at a seasonal time and then ceases, including, but not limited to: Private auctions, land sales, yard sales, tent sales, and horse shows. Such uses shall not exceed seventeen (17) cumulative days of use per calendar month. Seasonal or brief uses or activities are permitted, by right, in all zoning districts."

He further advised that a letter is on file from the proprietor, and that, to the best of his understanding, the situation that's occurring in Brightwood, VA is a use that is only occurring on weekends (i.e. Friday, Saturday, Sunday) each month for a maximum of twelve (12) days.

He further advised that the County's ordinance specifies that this type of activity can transpire for at least "seventeen (17) days or less, and is allowed, by right, in any district," which is relatively broad. In closing, he noted that this is a matter that may need to be assessed as being disconcerting within the community.

Comments:

- *Supervisor Campbell: Noted that the uses (noted in the County Ordinance) were the result of tent sales at Plow & Hearth; advised that Pete's Auction Services was required to have a special use permit in order to hold two (2) auctions per month*
- *Chairman Jackson: Advised that the intent was done to accommodate Plow & Hearth; suggested that the Commission be asked to look at tonight's matter and assess how to work more effectively with local businesses so as not to create obstacles*

The County Administrator also referred to the section of the County's comp plan that addresses the possibility of initiating a business license in the County in order to identify all local businesses. He also noted that this topic may need to be assessed in the Ordinance by importing an itinerant business license program in order to allow for better tracking of local businesses operating in the County.

- *Supervisor Campbell: Referred to a business license ordinance that was adopted but tabled by a prior Board*

The County Attorney advised that the proposed business license ordinance was a model state ordinance that was utilized by other localities. He also advised that the concept of developing a business registry and/or business license tax is very much in play in the Air B&B arena, and further advised that there are proposals before the General Assembly for discussion that will allow localities to require registration and taxes (for local businesses). He further advised that Orange County is currently considering an ordinance that will focus on Air B&B businesses and will call for these types of businesses to register. If initiated, this requirement will call for all establishments B&Bs and hotels to:

- ❖ Pay a sales tax
- ❖ Collect occupancy taxes

But:

- ❖ Air B&B businesses will not be required to pay any sales tax, which is deemed to be unfair
- *Supervisor Weakley: Advised of a previous meeting where Air B&B operators verbalized concerns regarding what advantages they can attain by advertising on Air B&B*

10. Public Comment

Chairman Jackson opened the floor for public comment:

The following comments were provided:

- Mike Mosko: Comments pertaining to the business license issue that's currently being discussed (by the Commission); noted it's uncertain if this item will remain in the comp plan at this time if this item will remain in the comp plan at this time

With no further public comments being brought forth, Chairman Jackson closed the public comment opportunity.

11. Information/Correspondence: None

Chairman Jackson advised that a closed session will be necessary and will result in action on the part of the Board.

12. Closed Session: Virginia Code Section 2.2-3711(A)(7) – Consultation with legal counsel pertaining to actual or probable litigation, where such consultation in open meeting would adversely affect the litigating posture of the public body, and Virginia Code Section 2.2-3711 (A)(1) pertaining to consideration of County Administrator vacancy, **and retirement benefits for departing County Administrator]**

a. Closed Session: On motion of Supervisor Weakley, seconded by Supervisor Hoffman, the Board convened in a closed session pursuant to Virginia Code Section 2.2-3711(A)(7) – Consultation with legal counsel pertaining to actual or probable litigation, where such consultation in open meeting would adversely affect the litigating posture of the public body, and Virginia Code Section 2.2-3711(A)(1), pertaining to consideration of County Administrator vacancy **and retirement benefits for departing County Administrator. Aye: Jackson, Weakley, Campbell, McGhee, Hoffman. Nays: (0).**

b. Motion to Reconvene in Open Session:

On motion of Supervisor Weakley, seconded by Supervisor Hoffman, the Board reconvened in open session, with the following vote recorded: *Ayes: Jackson, Weakley, Campbell, McGhee, Hoffman. Nays: (0).*

c. Motion to Certify Compliance:

On motion of Supervisor Weakley, seconded by Supervisor McGhee, the Board certified by roll-call vote that only matters lawfully exempted from open meeting requirements pursuant to Virginia Code 2.2-3711(A)(7), and Virginia Code Section 2.2-3711(A)(1), and only matters that were identified in the motion to convene in a closed session were heard, discussed or considered in the closed meeting, with the following vote recorded: *Ayes: Jackson, Weakley, Campbell, McGhee, Hoffman. Nays: (0).*

As a result of closed session, the following action was taken by the Board:

Supervisor Hoffman moved that the Board accept the contract agreement for Jack Hobbs as County Administrator for Madison County, seconded by Supervisor Campbell. *Ayes: Jackson, Weakley, Campbell, McGhee, Hoffman. Nays: (0).*

A press release will be provided to the local newspaper later this week

13. Adjournment:

With no further action being required, on motion of Supervisor Weakley, seconded by Supervisor McGhee, Chairman Jackson adjourned the meeting. *Ayes: Jackson, Weakley, Campbell, McGhee, Hoffman. Nays: (0).*

R. Clay Jackson, Chairman
Madison County Board of Supervisors

Clerk of the Board of the Madison County Board of Supervisors

Adopted on: August 22, 2017

Copies: R. Clay Jackson, Jonathon Weakley, Robert Campbell, Kevin McGhee, Charlotte Hoffman, V. R. Shackelford, III,
Constitutional Officers



Agenda
Regular Meeting (#1)
Madison County Board of Supervisors
Tuesday, August 8, 2017 at 4:00 p.m.
County Administration Building, Auditorium
414 N. Main Street, Madison, Virginia 22727



Call to Order

Pledge of Allegiance & Moment of Silence

1. Determine Presence of a Quorum / Adopt agenda
2. Public Comment
3. Constitutional Officers
 - a. Leeta Louk, Clerk of Circuit Court – Restoration of Painting in Courtroom
4. County Departments
5. Committee/Organizations
6. Finance
 - a. Claims for August 2017
7. Minutes
 - a. # 25
8. Old Business:
 - a. Update on Easement for SNP Displaced Households Memorial
 - b. Update on Criglersville Cottage Lease w/Madison Historical Society

- c. RRCSB FY2018 Program Plan & Performance Contract [Resolution #2017-8]
- d. Update on Revocation of Law Enforcement Ordinance in Malvern [ID#2010-1]
- e. VACo Legislative Meeting – August 10, 2017
- f. Line of Credit Refinancing – Closing

9. New Business:

- a. ABC Building Lease Termination
- b. L S Industries Bond Estimate
- c. Shackelford – Discussion of Code Changes
- d. Weekend Auction Business Restriction (Brightwood, VA)

10. Public Comment

11. Information/Correspondence (if any)

12. Closed Session: [Virginia Code Section 2.2-3711 (A)(1), pertaining to discussion, consideration or interviews of prospective candidates for County Administrator vacancy and retirement benefits for retiring Administrator] and Virginia Code Section 2.2-3711(A)(7) pertaining to consultation with legal counsel pertaining to actual or probable litigation, where such consultation in open meeting would adversely affect the litigating posture of the public body]

13. Adjournment

AMENDMENTS NOTED BY STRIKETHROUGH AND ROYAL BLUE WITH YELLOW HIGHLIGHT